

RESOLUTION NO. 98-178

A RESOLUTION OF THE LODI CITY COUNCIL OF THE CITY  
OF LODI AMENDING SECTION 12 OF THE JOINT POWERS  
AGREEMENT ESTABLISHING THE SAN JOAQUIN REGIONAL  
RAIL COMMISSION

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WHEREAS, the Board of Commissioners of the San Joaquin Regional Rail Commission have deemed it necessary and proper to amend the Joint Powers Agreement Establishing the San Joaquin Regional Rail Commission, in such a way as to increase the flexibility with which the Commission may assign rights to property, for the purpose of financing, subject to the Joint Powers Agreement; and

WHEREAS, it is necessary for each of the Parties to the Joint Powers Agreement to consent to, and approve of, the amendment; and

WHEREAS, the City Council of the City of Lodi is a Party to the SJRRC JPA.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Lodi hereby agrees that Section 12 of the Joint Powers Agreement Establishing the San Joaquin Regional Rail Commission, be amended to read in full as contained in the attached amendment; and

BE IT FURTHER RESOLVED, that the City Council of the City of Lodi hereby directs that the required signatures be affixed to the attached amendment.

Dated: December 1, 1998

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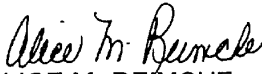
I hereby certify that Resolution No. 98-178 was passed and adopted by the City Council of the City of Lodi in a special meeting held December 1, 1998, by the following vote:

AYES: COUNCIL MEMBERS – Johnson, Land, Mann, Pennino and  
Sieglock (Mayor)

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

  
ALICE M. REIMCHE  
City Clerk

AMENDMENT TO THE JOINT POWERS AGREEMENT  
ESTABLISHING THE SAN JOAQUIN REGIONAL RAIL COMMISSION

Section 12 of the Joint Powers Agreement Establishing the San Joaquin Regional Rail Commission which formerly read:

Section 12. ASSIGNABILITY

With the approval of, and upon the terms agreed upon by, the governing body of each party to this Agreement, all or any of the rights and property subject to this Agreement may be assigned to further the purpose of this Agreement. Provided, however, no right or property of the Commission shall be assigned without compliance with all conditions imposed by any federal entity from whom the Commission has received financial assistance.

is hereby amended to read as follows:

Section 12. ASSIGNABILITY

The rights or property subject to this Agreement may be encumbered, hypothecated, leased, or assigned, as security or otherwise, for value received, upon approval of the Rail Board, but all or substantially all of such rights or property may not otherwise be transferred or assigned except with the approval of, and upon the terms agreed upon by, the governing body of each party to this Agreement, including also, compliance with all conditions imposed by any state or federal entity having jurisdiction over such transfer or assignment.

IN WITNESS WHEREOF, the Parties to the Joint Powers Agreement Establishing the San Joaquin Regional Rail Commission have caused this Amendment to be executed by their respective officers as of:

ATTEST: \_\_\_\_\_  
Clerk of the Board of Supervisors  
of the County of San Joaquin,  
State of California

COUNTY OF SAN JOAQUIN, a  
political subdivision of  
the State of California

By: \_\_\_\_\_  
Deputy Clerk

By \_\_\_\_\_  
\_\_\_\_\_, Chairman  
Board of Supervisors,  
"County"

Date: \_\_\_\_\_

\*\*\* SIGNATURES CONTINUED ON NEXT PAGE \*\*\*

ATTEST: \_\_\_\_\_  
City Clerk of the City of Escalon

By: \_\_\_\_\_  
City Clerk

Date: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
City Clerk of the City of Lathrop

By: \_\_\_\_\_  
City Clerk

Date: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
City Clerk of the City of Manteca

By: \_\_\_\_\_  
City Clerk

Date: \_\_\_\_\_

CITY OF ESCALON, a  
municipal corporation of  
the State of California

By: \_\_\_\_\_  
\_\_\_\_\_, Mayor  
City of Escalon

CITY OF LATHROP, a  
municipal corporation of  
the State of California

By: \_\_\_\_\_  
\_\_\_\_\_, Mayor  
City of Lathrop

CITY OF MANTECA, a  
municipal corporation of  
the State of California

By: \_\_\_\_\_  
\_\_\_\_\_, Mayor  
City of Manteca

\*\*\* SIGNATURES CONTINUED ON NEXT PAGE \*\*\*

ATTEST: \_\_\_\_\_  
City Clerk of the City of Lodi

CITY OF LODI, a  
municipal corporation of  
the State of California

By: \_\_\_\_\_  
City Clerk

By: \_\_\_\_\_  
H. Dixon Flynn, City Manager  
City of Lodi

Date: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
City Clerk of the City of Ripon

CITY OF RIPON, a  
municipal corporation of  
the State of California

By: \_\_\_\_\_  
City Clerk

By: \_\_\_\_\_  
\_\_\_\_\_, Mayor  
City of Ripon

Date: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
City Clerk of the City of Stockton

CITY OF STOCKTON, a  
municipal corporation of  
the State of California

By: \_\_\_\_\_  
City Clerk

By: \_\_\_\_\_  
\_\_\_\_\_, Mayor  
City of Stockton

Date: \_\_\_\_\_

\*\*\* SIGNATURES CONTINUED ON NEXT PAGE \*\*\*

ATTEST: \_\_\_\_\_  
City Clerk of the City of Tracy

By: \_\_\_\_\_  
City Clerk

Date: \_\_\_\_\_

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Assistant County Counsel  
San Joaquin County

By: \_\_\_\_\_  
City Attorney for the  
City of Lathrop

By: \_\_\_\_\_  
City Attorney for the  
City of Manteca

By: \_\_\_\_\_  
City Attorney for the  
City of Stockton

CITY OF TRACY, a  
municipal corporation of  
the State of California

By: \_\_\_\_\_  
\_\_\_\_\_, Mayor  
City of Tracy

By: \_\_\_\_\_  
City Attorney for the  
City of Escalon

By: Randall A. Hays  
Randall A. Hays  
City Attorney for the  
City of Lodi

By: \_\_\_\_\_  
City Attorney for the  
City of Ripon

By: \_\_\_\_\_  
City Attorney for the  
City of Tracy